

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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ALICE KIEFT,

Plaintiff,

v.

AMERICAN EXPRESS COMPANY,
AMERICAN EXPRESS COMPANY LONG
TERM DISABILITY PLAN, and
AMERICAN EXPRESS COMPANY LIFE
INSURANCE PLAN,

Defendants.

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CIVIL ACTION NO.:

04-10949 NMG

PLAINTIFF'S REPORT ON STATUS

Plaintiff, ALICE KIEFT, by and through her undersigned counsel, pursuant to this Court's order of September 10, 2007, provides the following report on the status of this case.

1. The Plaintiff's settlement demand, subject to Bankruptcy Court approval, was previously forwarded to defendants. Plaintiff, after obtaining additional information pertaining to the Bankruptcy Court approval process has provided the same to defendants as of this date, and awaits their response. Plaintiff is hopeful that there will be a meaningful response.

2. On September 20, 2007, the Plaintiff forwarded a formal request for a review of the denial of her Long Term Disability benefits claim. Counsel for Plaintiff, having received updated medical information pertaining to Plaintiff, is finalizing a supplemental submission which will be forwarded tomorrow, September 26, 2007. This is within the time-frame required by ERISA regulations for review. Under the regulations, Defendants will have forty-five (45) days within which to issue a determination of this claim upon review.

Plaintiff again notes that the dismissal of this matter, at this time, will likely lead to otherwise unnecessary motion practice, the commencement of an additional action, or actions, and would thus be wasteful of judicial resources. At the issuance of a final judgment in this case, at this time, Plaintiff will be forced to file a Motion for Attorney's Fees and Costs, and will likely be required to further protect her rights by filing a Motion for Reconsideration based upon the Court's Memorandum and Order (Dkt. # 34), and thereafter commence a related appeal. As matters presently stand, the defendants will be required to provide a final decision within 45 days of September 26, 2007, and this Court's continuing to exercise jurisdiction over this matter will ensure efficiency, and ultimately a resolution of the parties' dispute.

Respectfully submitted,

Dated: Haverhill, MA
September 25, 2007

PLAINTIFF
By her attorney,

LAW OFFICE OF
STEPHEN L. RAYMOND, ESQ.

By: /s/ Stephen L. Raymond
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CERTIFICATE OF SERVICE

I, Stephen L. Raymond, hereby certify that this document, filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

Dated: September 25, 2007

/s/ Stephen L. Raymond
Stephen L. Raymond, Esq.